

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 906

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mary Jane M Garcia

AN ACT

RELATING TO CRIMES; CREATING A SEX OFFENDER MONITORING PILOT PROJECT; PROVIDING FOR DATA COLLECTION, ANALYSIS AND EVALUATION; PRESCRIBING A PENALTY; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SEX OFFENDER MONITORING PILOT PROJECT--

CREATED-- PURPOSE. --

A. The "sex offender monitoring pilot project" is created as a two-year pilot project to use a monitoring system to track serious and violent sex offenders during their terms of parole or probation and measure the efficacy of such technology to improve supervision and behavioral control of those offenders. The purpose of the pilot project is to demonstrate that using technology to monitor sex offenders provides a crucial element in rehabilitation of the sex

underscored material = new  
[bracketed material] = delete

1 offender and the safety of the community.

2 B. As used in this section, "monitoring system"  
3 means a global positioning system or other tracking technology  
4 that actively monitors and identifies a person's location and  
5 timely reports or records the person's presence by a link to a  
6 global position and has the capacity to timely report or  
7 record a person's presence near or within a prohibited area or  
8 the person's departure from specific geographic locations.

9 C. The adult probation and parole division of the  
10 corrections department shall conduct the sex offender  
11 monitoring pilot project with the assistance of the New Mexico  
12 sentencing commission. The second judicial district court and  
13 district attorney shall participate in the pilot project and  
14 assist the department and commission as required.

15 D. Any other provision of law notwithstanding, any  
16 person who is convicted in the second judicial district of one  
17 or more of the following sex crimes for which a term of parole  
18 or probation is imposed and the person is serving that term in  
19 the Albuquerque metropolitan statistical area during the term  
20 of the pilot project may be included in the pilot project:

21 (1) criminal sexual penetration in the first,  
22 second or third degree, as provided in Section 30-9-11 NMSA  
23 1978;

24 (2) criminal sexual contact of a minor in the  
25 second, third or fourth degree, as provided in Section 30-9-13

. 166145. 1

underscored material = new  
[bracketed material] = delete

1 NMSA 1978;

2 (3) sexual exploitation of children, as  
3 provided in Section 30-6A-3 NMSA 1978;

4 (4) sexual exploitation of children by  
5 prostitution, as provided in Section 30-6A-4 NMSA 1978; or

6 (5) attempt to commit any of the sex offenses  
7 in Paragraphs (1) through (4) of this subsection.

8 E. During the term of the pilot project, a  
9 monitoring system device shall be required for every  
10 participant.

11 F. The New Mexico sentencing commission shall  
12 establish reporting and evaluation requirements for  
13 participants and shall assist the adult probation and parole  
14 division of the corrections department in data collection and  
15 analysis. The division and the commission shall provide  
16 interim and final reports to the legislature and the governor  
17 on the effectiveness of the pilot project to competently  
18 monitor sex offenders and ensure the safety of the community  
19 in which they live.

20 G. Any participant or other person who tampers  
21 with, removes or vandalizes a monitoring system device worn or  
22 used by a participant is guilty of a misdemeanor and shall be  
23 punished as provided in Section 31-19-1 NMSA 1978.

24 Section 2. APPROPRIATIONS. --

25 A. One million eight hundred thousand dollars

. 166145. 1

1 (\$1,800,000) is appropriated from the general fund to the  
2 adult probation and parole division of the corrections  
3 department for expenditure in fiscal years 2007 through 2009  
4 to conduct the sex offender monitoring pilot project. Any  
5 unexpended or unencumbered balance remaining at the end of  
6 fiscal year 2009 shall revert to the general fund.

7 B. One hundred thousand dollars (\$100,000) is  
8 appropriated from the general fund to the New Mexico  
9 sentencing commission for expenditure in fiscal years 2007  
10 through 2009 for data collection, analysis and evaluation of  
11 the sex offender monitoring pilot project. Any unexpended or  
12 unencumbered balance remaining at the end of fiscal year 2009  
13 shall revert to the general fund.